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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,627	11/17/2000	Masakazu Hattori	04329.2460	8897

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EXAMINER	
LE, MIRANDA	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/714,627	Applicant(s) HATTORI ET AL.	
	Examiner Miranda Le	Art Unit 2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: *None*.
   Claim(s) objected to: *None*.
   Claim(s) rejected: *1-7,10,11,15 and 16*.
   Claim(s) withdrawn from consideration: *None*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

Miranda Le
April 25, 2005

Continuation of 11. does NOT place the application in condition for allowance because:
Applicants' arguments do not overcome the final rejection.
Applicant argues that:

(a) Tateishi's reference does not teach/suggest claim 1's feature of "generating a search plan for a hierarchical structure possessed by a searched document, in which a search processing procedure for said structured document database is developed from said search graph".

(b) Tateishi's reference does not teach/suggest claim 1's feature of "analyzing the accepted search request to generate a search graph including graph nodes based on the logical structure, wherein a variable to be embodied is inserted between the graph nodes".

(c) Examiner has failed to establish a prima facie case of obviousness.

The Examiner respectfully disagrees for the following reasons:

Per (a), Tateishi teaches "generating a search plan for a hierarchical structure possessed by a searched document, in which a search processing procedure for said structured document database is developed from said search graph" as "the input to the graph search section 310 is the data of the file of a graph stored on the hard disk 404 and expressed by a predetermined data structure" (col. 18, lines 14-16). Further, the step of analysis graph creation and path search (i.e. search plan, col. 18, lines 41-43) corresponds to generating a search plan.

Per (b), Tateishi teaches "analyzing the accepted search request to generate a search graph including graph nodes based on the logical structure, wherein a variable to be embodied is inserted between the graph nodes" as "an analysis graph creating section 308, and an analysis graph searching section 310", (col. 6, lines 32-33).
It should be noted the variable is inserted between the graph nodes corresponds to the cost in Fig. 9 (e.g. between the node HEADER, 1, CS3, and BEGIN, ?, CS5, the Cost2 is inserted, see Fig. 9.
Further, Tateishi discloses the cost (i.e. variable) is inserted between the nodes as "the cost is independently assigned to each node and the link" (col. 17, lines 30-33), and the cost assigned to the link is the variable between the graph nodes.

In addition, Applicant seems to be suggesting that Tateishi fails to teach the claimed "structured document search method for searching a structure document database". In response to applicant's arguments, the recitation "structured document search method for searching a structure document database" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Nonetheless, Tateishi does teach the claimed "structure document database" as "the data of the file 424 of a graph stored on the hard disk an expressed by a predetermined data structure", (col. 18, lines 14-17), and "the input to the graph search section 310 is the data of the file of a graph stored on the hard disk 404 and expressed by a predetermined data structure" (col. 18, lines 24-27). It is noted the data of the file (i.e. document) is stored on the hard disk with a predetermined data structure (i.e. structure document database).
Therefore, the claim language as presented is still read on by the Tateishi reference at the cited paragraph in the claim rejections.

Per (c), first, as discussed above, Tateishi does disclose the claimed "structure document database" and "variable to be embodied that is inserted between the graph nodes" under similar rational as provided in (a), and (b) in light of Fig. 9.
Second, the instant application is related to a structured document search method for searching a structured document database, wherein upon a search request including a document logical structure, a search graph including the document structure information is generated (Abstract). Similarly, Tasheiti is related to a method and system wherein the logical structure of a document is described in the framework of the stochastic grammar, and extraction of the logical structure of the document is replaced by an analysis graph search problem (col. 4, lines 35-40). Bello is related to a method for processing queries wherein when a database user knows that a particular materialized view contains the data desired by the user, the user can formulate a query that extracts the desired data directly from that materialized view. Although Tateishi discloses all the limitations of claim 1, Tateishi does not specifically disclose "selecting, from applicable plan generation rules, a plan generation rule a cost of which is less than said applicable plan generation rules". However, Bello teaches this limitation at col. 11, lines 1-27.
It is thus clearly shown that Tateishi and Bello references disclose the same field as structured document search methods, consequently; the combination, to employ selecting, from applicable plan generation rules, a plan generation rule a cost of which is less than said applicable plan generation rules, as taught by Bello in the system of Tateishi, in order to to efficiently rewrite queries to access data sources that are not specifically referenced in the queries and thereby can access the current best materialized view, is reasonably to establish a prima facie case of obviousness.
Third, as pointed out by the Examiner, only the teaching of selecing, from applicable plan generation rules, a plan generation rule a cost of which is less than said applicable plan generation rules being taught by Bello is used in combining with the system of Tateishi to render obvious the claimed limitations.

Accordingly, the claimed invention as represented in the claims does not represent a patentable over the art of record.

Applicant's arguments have been fully considered but they are not persuasive.